

# Guidance on social media

## Key Points

- Information on social media may be difficult to verify, particularly in a breaking news situation.
- If you intend to rely on the public interest as a justification, be prepared to demonstrate to what extent material is in the public domain.
- Take care not to break the news of someone's death before their next of kin is informed, even if there are uncorroborated reports on social media.
- Information which relates to a child's welfare must be carefully considered before publishing.
- A significant inaccuracy or misleading statement published via social media should generally be corrected through the same channels.

# About this guidance

Through social media channels, journalists and publications have the ability to interact directly and instantly with organisations and the public.

This guidance is for editors and journalists. It explains how the Editors' Code applies to information taken from social media and used for articles; and explains how corrections should be made on social media.

The guidance includes case studies of relevant decisions by IPSO's Complaints Committee. The case studies are summaries of the decisions of the Committee, and it is recommended that the decisions are read in full.

## **The Editors' Code**

[The Editors' Code of Practice](#) sets the framework for the highest professional standards for journalists.

This guidance does not replace or supersede the Editors' Code, but is designed to support editors and journalists. It does not limit or restrict editorial decision making, but may inform that decision making.

# Accuracy (Clause 1)

Social media is an essential resource for journalists with many benefits and a great source of stories. However, information on social media may be misleading and difficult to verify, particularly in the event of a major incident where misinformation can be commonplace. Editors and journalists should consider the source of information before publishing it and identify whether it is necessary to corroborate it.

## Non-recent social media posts

Social media posts can be taken out of context when being posted and forwarded. They may appear to be reporting new information but are actually months or years old. IPSO has upheld complaints about articles which gave a misleading impression based on the publication of older photographs and social media posts. It is important to check the timestamp of social media posts, particularly in a breaking news situation.

## Various v Mail Online

In 2017, Mail Online reported social media comments about an ongoing incident at Oxford Circus which, at the time, was being treated as a possible terror attack. One of the tweets published made reference to a lorry which had been involved in the incident and was surrounded by police. The published tweet referring to the lorry had in fact been tweeted some days before the incident at Oxford Circus and the publication had failed to check the time stamp of the tweet before publishing. The complaint was upheld.

Consider how material will appear in different formats, including sub-headlines and captions. During the Covid-19 pandemic, the Daily Record used a non-recent photograph of the First Minister of Scotland in an online article and in a Facebook post sharing the article, but these were presented differently. The headline on the Facebook post was considered misleading and the complaint was upheld.

## Devlin v dailyrecord.co.uk

Dailyrecord.co.uk reported that Scotland's First Minister Nicola Sturgeon had reunited with her parents after the Covid-19 lockdown. The article and a Facebook post linking to the article were accompanied by a photograph of her with her arms around her parents. The picture had been taken in 2016 and was captioned as being taken before lockdown on the online article, but on the publication's Facebook page there was no caption giving any context to when this was taken.

The use of the photograph implied that Ms Sturgeon had put her arm around her parents when she met them after lockdown, and therefore failed to socially distance and breached Scottish coronavirus restrictions. The Complaints Committee did not consider that most readers would understand that the image was an old "stock" image. The publication had failed to take care not to publish misleading information and there was a breach of Clause 1.

## Additional media content

The Editors' Code should be applied to everything that is published, regardless of the nature of the material. This includes newer forms of content which comes under the publication's editorial control. One complaint of note which was upheld under Clause 1 (Accuracy) is **Lovatt v The National**, which related to the publication of a YouTube video.

### Lovatt v The National

A man complained about an article and accompanying YouTube video which showed "well-known faces of the independence movement respond to ridiculous tweets about Scotland's future." The video featured individuals reading out texts of what were apparently tweets and responding to the claims with commentary. The complainant said the article and video were misleading, as it did not make sufficiently clear that the "daft tweets" featured were fabricated by the publication for the purposes of the recording. The publication argued that its viewers would understand that the tweets were not from real Twitter accounts, or real people, but represented certain archetypal personalities found on social media. The Committee did not agree this was evident. The Committee found that failing to make clear the tweets were created by the publication for the purpose of the video constituted a failure to take care not to publish misleading information, in breach of Clause 1.

## Use of corrections

A significant inaccuracy, misleading statement or distortion must be corrected promptly and with due prominence, in order to meet the requirements of Clause 1 (ii). This applies to posts on publications' social media platforms, as well as print and online articles.

If a significant inaccuracy or misleading statement which was publicised on social media breaches the Code and a correction is required, then the correction must generally likewise be shared through the same channel. In the case of **Yates v Lynnnews.co.uk**, the action taken by the publication was sufficient to avoid a breach of the Code.

In contrast, the Daily Telegraph did not correct inaccurate information on Twitter regarding an article about coronavirus figures, resulting in a complaint being upheld.

### Yates v lynnnews.co.uk

A woman complained about an article which reported on a police search of a house in which numerous weapons were found. The article was also promoted on the newspaper's Facebook page with a picture of the complainant's house. The article was inaccurate because the house pictured was not the one that had been searched, but a neighbouring property. After being contacted by the complainant, the publication apologised and deleted the photo from the article and Facebook. It added a clarification footnote to the article.

During IPSO's investigation, it also published a correction on its Facebook page as a standalone status. As the correction appeared as a footnote to the online article, and as a status on Facebook, this was held to be sufficiently prominent. There was no breach of Clause 1 and no further action was required.

### The Centre for Media Monitoring v The Daily Telegraph

The Centre for Media Monitoring complained that an online and print article headlined “Pakistan singled out as the origin of half of Britain’s imported virus cases” was inaccurate. This headline was also shared on the publication’s Twitter page, with a link to the online article. The complainant said that the claim that “Half of Britain’s imported coronavirus cases originate from Pakistan” was misleading. The body of the article reported that these cases had only been counted since 4th June 2020. The publication had amended the online article to make the position clearer and offered to publish a footnote and a correction in print. Later it offered to tweet a link to the amended online article. While the online and print corrections identified the misleading claim promptly and with due prominence, simply tweeting a link to a correction published elsewhere did not meet the requirements of due prominence. The appropriate remedy was that the newspaper publish a tweet making clear why the Committee had found the original tweet to be misleading, and setting out the correct position.

### Questions relating to Clause 1 (Accuracy)

- Are the headline and captions accurate and not misleading everywhere that they appear, including on social media channels?
- Have the timestamps of any images or posts been checked, and steps taken to verify details, particularly in the situation of a major incident?

## Privacy (Clause 2)

When considering complaints made under Clause 2 which relate to social media, IPSO’s Complaints Committee will consider to what extent an individual has made their own disclosures of information. The application of privacy settings can play a part in that consideration.

Journalists must not assume that the absence of privacy settings means that information can be published. The nature of the material, the context of the story and what the material features, must also be considered.

### Disclosure of information by an individual

IPSO expects editors to explain how the information was sourced; if it is published online without privacy settings, editors should be prepared to demonstrate this (e.g., retaining screenshots, metadata etc.) This is particularly relevant when taking information from platforms such as Snapchat, where pictures disappear quickly.

Clause 2 (Privacy) of the Code states that in considering complaints about intrusion, “account will be taken of the complainant’s own public disclosures of information”. In addition, the public interest section of the Code requires that IPSO, “consider the extent to which material is already in the public domain or will become so”.

IPSO frequently receives complaints from members of the public, who did not have their profiles set to private or “friends only”. Complaints where pictures or statuses have been publicly viewable, and which have not revealed anything private would not normally breach the Code.

### Lynn v Daily Mirror

A man complained about an article which included a photograph of him and stated that he had been approached for comment regarding a situation with his employer.

He said that the newspaper had breached his privacy by publishing the image of him from his LinkedIn profile. Whilst the complainant accepted that his LinkedIn profile was not set to private when he was contacted by the newspaper, he said that he had subsequently, and prior to the article's publication, updated the privacy settings.

Whilst the Committee acknowledged the complainant's concerns, regardless of whether the complainant had de-activated his account or updated its privacy settings after being contacted by the newspaper, the information had been available in the public domain. The complaint was not upheld.

### **The extent to which material is established in the public domain**

An interesting question arises when material is not freely accessible online but has been published to a large group of people, for example, within a "private group" on a site like Facebook, or a specialist site that requires a login and password.

Regardless of the platform that individuals use to share information, journalists should consider to what extent information was in the public domain, and who placed it there, before publishing it.

This may include consideration of how many people would have been able to view the material, their relationship to the subject of the material and/or the person who posted it, and whether the person who posted it and/or the subject would have had a reasonable expectation that it would not be circulated further.

Journalists should also consider the extent to which information may be in the public interest.

### A man v burymercury.co.uk

A man complained that a photograph, taken by his daughter of her school Christmas dinner which he had posted on Facebook, had been published by burymercury.co.uk. He said that he had been contacted by a journalist asking whether she could use his post in the paper, and he had declined, but that the article had included his post anyway, in breach of his and his daughter's privacy. However, the publication said that the image and the comments in the article had not been supplied by the complainant, but by one of the hundreds of people who had commented on his public Facebook post. It said the article did not identify the complainant or his daughter, and said it was free to refer to a Facebook post made on a public group Facebook page with over 4,300 members. The Committee ruled that this amounted to publication in the public domain, and the publication was therefore fully entitled to refer to the complainant's comment in its article. There was no breach of Clause 2 or Clause 6.

### **Public Comments**

IPSO also considers any public comments the individual has made in deciding whether their privacy has been breached by the publication of the information taken from social media.

### Faulkner v LancsLive

A man complained about an article which reported on concerns raised by residents about antisocial and gang activity on their road. He said that after tweeting the police about antisocial behaviour, a reporter replied. He then had a conversation with her via direct message. Extracts from this conversation were published in the article. The complainant said that the reporter did not make clear that some of his comments would be included in the article and she did not ask for his permission to publish them. The Committee ruled that the information was already in the public domain via the complainant's own tweets (which were made under his own name) and he did not have a reasonable expectation of privacy in respect of this information. The complaint was not upheld.

## Private information

All individuals are entitled to respect for their private and family life, home, physical and mental health, and correspondence. Sometimes individuals may share information on social media which depicts private activities or shows private information, for example, medical information. Before publishing anything taken from social media, editors and journalists should consider the extent of any possible intrusion and the potential justification.

## Questions relating to Clause 2 (Privacy)

- Does the individual have any privacy settings?
- Do you have evidence to demonstrate that information was publicly available, in the event that settings are changed at a later date?
- If information was placed in the public domain, who posted this and how many people had access to it?
- What disclosures of private information, if any, has the individual previously made?
- Is the publication of this information intrusive into the subject's privacy? Is there a justification for publishing this information?

## Intrusion into grief or shock (Clause 4)

There may be occasions when editors and journalists use information from social media to illustrate stories which involve an individual's personal grief or shock. Editors and journalists must take care in these circumstances to handle publication sensitively. When reporting on a death, it is important to consider:

- The use of photographs, particularly ones which show the deceased engaged in embarrassing activity.
- The timing of an article and the risk of breaking the news of someone's death to their family after seeing uncorroborated reports on social media.

It may not be necessary to wait until an individual's death has been officially confirmed, but journalists should be able to demonstrate that their family were aware of the news before publishing further details.

Particular care should be taken when selecting and publishing photos of the recently deceased and consider how much time has elapsed since the incident occurred. In addition, editors and journalists should also consider what the photos show and the context of the individual's death.



## Farrow v Lancashire Evening Post

A woman complained about an article published by the Lancashire Evening Post covering the inquest into her stepdaughter's suicide. The online version of the article was illustrated by a number of photographs, taken from her stepdaughter's Facebook page. The complainant said that the photographs were "disproportionate" and inappropriate in number and nature. The newspaper said that the story and photographs, which had been taken from an open Facebook page, had been supplied by a press agency and were published in good faith. The complaint was upheld in relation to some elements. However, the complaint was not upheld in relation to the use of images. The images that were included in the online article had been taken from the stepdaughter's open Facebook profile; they were not explicit or embarrassing, but simply showed her posing for photographs at home and on holiday.

The presentation of the images had not sought to mock or ridicule her; and their publication, did not constitute insensitive handling of the story in breach of the Editors' Code. (This complaint was made under a previous version of the Code).

Any enquiries made via social media to families of deceased people must be made with sympathy and discretion under the terms of Clause 4.

IPSO's guidance for journalists and editors on the reporting of deaths and inquests can be [found here](#).

IPSO's guidance on the reporting of major incidents can be [found here](#).

### **Questions relating to Clause 4 (Intrusion into grief or shock)**

- Are you intruding into an individual's personal grief or shock by publishing the information?
- Are you handling publication sensitively?
- Is it appropriate to contact the family?
- Is the next of kin aware of the individual's death?

## Children (Clause 6)

The Editors' Code contains stringent requirements to ensure that children are protected from unnecessary intrusion. Any coverage of a child's personal circumstances must be contemplated with extreme caution and with due regard for the requirement that "in cases involving children under 16, editors must demonstrate an exceptional public interest to override the normally paramount interests of the child".

The Code makes clear that all pupils should be free to complete their time at school without unnecessary intrusion. Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

What might constitute an interview in relation to children is broader than simply where a journalist directly solicits comment or information from a child. It could cover either the republication of material solicited by third parties or cases where the comments published were unsolicited.

However, this part of the clause only relates to comments concerning a child's welfare.

In the complaint of **Emmett v Daily Mirror**, a picture of a child was not found to affect a child's welfare and therefore was not upheld, despite being published without the parent's consent.

### Emmett v Daily Mirror

A woman complained that a report about her 10-year-old daughter becoming a pen pal with an 82-year-old care home resident had featured information and a photo of her daughter without parental consent. A different image of her daughter had also been published on a Facebook page without her permission. The photo used in the article had been supplied by the pen pal scheme. The Committee acknowledged that publication of a photograph of a child could have an impact on the child's welfare. However, the personal details about her were limited to details which were previously in the public domain. The complainant confirmed that the article and photo did not affect her daughter's welfare. The complaint was not upheld.



## Children and identifiability

Editors must decide to what extent children are identifiable in photographs, and the context of the image. If children are identifiable when pictured alongside an adult who is notorious then consider pixelating or blurring the child's face to obscure their identity.

### A Woman v Hull Daily Mail

A woman complained about an online article which reported on the conviction of a man for ten historic child sex offences, including raping a child. The man was pictured in costume posing with two children which was shared on the publication's Facebook and Twitter posts. The children's faces were pixelated, but their bodies and hair were not. A cropped version of the image showing the man with only one child also appeared in an Instagram story posted by the publication. The complainant was the mother of the two children. Despite pixelation, her children were still identifiable in their community because the photograph had previously been used to advertise the opening of a local venue, and had been widely circulated at the time. The complainant was particularly concerned about the use of the image on social media, where it had been cropped which gave the impression that her daughter was the victim of the convicted man. Given the sensitive nature of the article, and the presentation of the image in which the children were identifiable, the Committee considered that the publication of the image had represented an unnecessary intrusion into their time at school in breach of Clause 6.

In a complaint against The Scottish Sun, the inclusion of a picture of a child which did involve their welfare was not upheld because the complainant had published a Facebook video without privacy settings. The child's face had also been blurred.

### McDade v The Scottish Sun

A woman complained about an article which featured a video she had made about the death of her mother from Covid-19. She had made and uploaded two videos to Facebook. The second video, which contained photos of her child published in the article, was publicly viewable but she had not explicitly asked for it to be shared. The complainant had been contacted via Facebook message by the newspaper but did not reply until after the article had been published.

The publication apologised for any distress caused and said that the child's face had been blurred. Taking into account that the material had been published by the complainant in the context of her attempts to raise concern about her mother's death; that it had been published without privacy settings; and that the child's face was pixelated such that they would not be generally identifiable, the Committee concluded that there was no breach of Clause 6.

## Young people's social media accounts

Many young people have their own social media accounts. Some children may misrepresent their age on social media.

Exercise caution if it appears that a child is younger than they claim to be.

### Questions relating to Clause 6 (Children)

- Does the social media account belong to a child?
- Does the information relate to a child's welfare?
- Would publishing the information intrude unnecessarily into a child's time at school?
- If publishing the material does appear to raise a breach of the Code, do you have an exceptional public interest for publishing it? Are you able to demonstrate that the public interest was considered before publication and by whom?

## Additional Matters

### Major incidents

Increasingly, news of major incidents has been followed by the creation of hoax social media or fundraising accounts, purporting to identify individuals caught up in the incident or otherwise disseminating mis- and disinformation. Journalists should be wary of sources on social media carrying this information and ensure that it is presented in clear way, distinguishing claims from corroborated fact.

As part of the process of verifying information taken from social media, journalists should check the source of the information, including when it was published (see **Various v Mail Online** above).

Care should also be taken when publishing information from social media in relation to breaking news, so that those caught up in events are not identified before their families have been made aware of what is happening.

IPSO's guidance for journalists and editors on the [reporting of major incidents](#) contains more information.

### Legal issues

IPSO does not deal with legal issues, as IPSO's role is to uphold the Editors' Code of Practice, and this guidance focuses on supporting compliance with the Code. However, editors should also consider legal issues, such as copyright or contempt of court, in deciding whether to publish information taken from social media.

### Additional guidance

You may also find the following information published by IPSO helpful:

- [Guidance for journalists on reporting major incidents](#)
- [Guidance for journalists on reporting deaths and inquests](#)
- [Advice for the public on how journalists use social media](#)
- [Advice for the public on the reporting of deaths and inquests](#)